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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,992	09/29/2000	Walter W. Lee	5122	1738

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EXAMINER
NAJARIAN, LENA

ART UNIT	PAPER NUMBER
3626	

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/675,992	LEE ET AL.
	Examiner	**Art Unit**	
	Lena Najarian	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 May 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>19-25,36 and 37</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>19-25,36 and 37</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>20060320</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Notice to Applicant

1.   This communication is in response to the request for continued examination

(RCE) filed 3/29/06 and the supplemental amendment filed 5/30/06. Claims 19-25 and

36-37 remain pending. Claims 1-18, 26-35, and 38-39 are canceled. Claims 19, 20, 36,

and 37 have been amended.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

3.   Claim 36 is rejected under 35 U.S.C. 102(e) as being anticipated by Basch et al.

(6,119,103).

(A) Referring to claim 36, Basch discloses a system for processing a request for a

transaction over a computer network, the system comprising (Fig. 4 and abstract of

Basch):

        a transaction-scoring module that receives transaction data and that generates a

transaction score using a prediction model based on the received transaction and based

on profile data that contain summaries of historical data that include prior customer

transaction data (col. 1, lines 13-21, col. 3, lines 51-62, col. 8, lines 13-29, and col. 5,

lines 56-61 of Basch); and

a thresholding module that receives the transaction score and, based on the

transaction score, applies the score to at least one threshold to selectively perform

terminating the transaction (col. 3, lines 51-62 and col. 5, lines 34-41 of Basch).

Insofar as the claim recites "at least one of," it is immaterial whether or not the

other elements are also disclosed.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 19 and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Basch et al. (6,119,103) in view of French et al. (US 6,282,658 B2).

(A) Referring to claim 19, Basch discloses a computer-implemented method for

processing a request for a transaction, the method comprising (abstract of Basch):

receiving a request for a transaction from a customer through a client computer,

the request including a first set of transaction data for variables descriptive of the initial

transaction (col. 5, lines 4-16 and col. 3, lines 51-62 of Basch);

responsive to receiving said request, generating a transaction score using a

prediction model based on the first set of transaction data and based on profile data that

contain summaries of historical data that include prior customer transaction data, where

the transaction score is indicative of a level of risk associated with the transaction (col.

1, lines 13-21, col. 3, lines 51-62, col. 8, lines 13-29, and col. 5, lines 56-61 of Basch);

and

responsive to the generated transaction score, terminating the transaction (col. 5,

lines 34-41 of Basch).

Basch does not expressly disclose a client-server network.

French discloses a client-server network (col. 2, lines 47-56 of French).

At the time of the invention, it would have been obvious to a person of ordinary

skill in the art to combine the aforementioned feature of French within Basch. The

motivation for doing so would have been to provide an efficient way to provide

information and services to many users.

Insofar as the claim recites "at least one of," it is immaterial whether or not the

other elements are also disclosed.

(B) Referring to claim 21, Basch discloses responsive to the transaction score,

terminating the transaction (col. 5, lines 34-41 of Basch).

Insofar as the claim recites "at least one of," it is immaterial whether or not the

other elements are also disclosed.

(C) Referring to claim 22, Basch discloses wherein at least one of the upper bound and the lower bound is a function of the value of the transaction (col. 3, lines 51-62 of Basch).

(D) Referring to claim 23, Basch does not disclose wherein receiving a request for a transaction comprises:

generating and forwarding to the customer's client computer a form for obtaining the first set of transaction data.

French discloses wherein receiving a request for a transaction comprises:

generating and forwarding to the customer's client computer a form for obtaining the first set of transaction data (col. 6, lines 14-24 and 35-40 of French).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the aforementioned features of French within Basch. The motivation for doing so would have been to prompt the user to supply information (col. 6, lines 17-19 of French).

(E) Referring to claim 24, Basch does not disclose wherein obtaining additional data from the customer comprises:

generating and forwarding a request for additional data to the customer's client computer.

French discloses generating and forwarding a request for additional data to the customer's client computer (col. 13, lines 31-38, Fig. 34, and col. 3, lines 46-50 of French).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the aforementioned features of French within Basch. The motivation for doing so would have been prompt the user to supply information (col. 6, lines 17-19 of French).

(F) Referring to claim 25, Basch does not disclose wherein generating and forwarding to the customer's client computer a request for additional data comprises generating and forwarding to the customer's client computer a form for obtaining additional data.

French discloses wherein generating and forwarding to the customer's client computer a request for additional data comprises generating and forwarding to the customer's client computer a form for obtaining additional data (Fig. 34 and col. 3, lines 46-50 of French).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the aforementioned features of French within Basch. The motivation for doing so would have been prompt the user to supply information (col. 6, lines 17-19 of French).

6.   Claims 20 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Basch et al. (6,119,103) in view of French et al. (US 6,282,658 B2), and further in view of Jobber et al. ("The Prediction of Industrial Mail-survey Response Rates").

(A) Referring to claim 20, Basch does not disclose wherein prior to obtaining additional data comprises:

determining, for each of a plurality of follow-up question sets, a probability of non-attrited fulfillment of the transaction after presentment of the follow-up question set based on a metric for the value of additional data and based on a likelihood of interaction termination; and

selecting the follow-up question set with the greatest probability of non-attrited fulfillment of the transaction.

French discloses obtaining additional data (col. 13, lines 31-38 of French).

Jobber et al. disclose determining, for each of a plurality of follow-up question sets, a response rate after presentment of the follow-up question set based on a metric for the value of additional data and based on a likelihood of non-responsiveness; and

selecting the follow-up question set with the greatest probability of non-attrited fulfillment (page 839 of Jobber et al.).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the aforementioned features of French and Jobber within Basch. The motivation for doing so would have been to ensure the identity of the user and prevent fraud (see abstract of French) and to tailor the design of the questions in order to minimize non-response (page 839 of Jobber et al).

(B) Referring to claim 37, Basch and French do not disclose wherein the system further comprises an information value prediction model adapted for receiving data representing a plurality of follow-up question sets and for determining, for each of the plurality of follow-up question sets, a metric for the value of additional information provided by the follow-up question set;

a friction model adapted for receiving data representing the plurality of follow-up

question sets and for determining, for each of the plurality of follow-up question sets, the

likelihood that a user will terminate a transaction if presented with the follow-up question

set; and

a question set optimization module (a) for determining, for each of the plurality of

follow-up question sets, the probability of non-attrited fulfillment of the transaction based

on the metric for the value of additional information provided by the follow-up question

set and based on the likelihood that a user will terminate the transaction if the user is

presented with the follow-up question set, and (b) for selecting the follow-up question

set with the highest probability of non-attrited fulfillment of the transaction.

Jobber et al. disclose wherein the system further comprises an information value

prediction model adapted for receiving data representing a plurality of follow-up

question sets and for determining, for each of the plurality of follow-up question sets, a

metric for the value of additional information provided by the follow-up question set (see

para. 4, page 839 and para. 1, page 840 of Jobber et al.; the Examiner interprets

"multiple regression analysis" to be a form of "prediction model");

a friction model adapted for receiving data representing the plurality of follow-up

question sets and for determining, for each of the plurality of follow-up question sets, the

likelihood that a user will terminate a transaction if presented with the follow-up question

set (see para. 4, page 839 and para. 1, page 840 of Jobber et al.); and

a question set optimization module (a) for determining, for each of the plurality of

follow-up question sets, the probability of non-attrited fulfillment of the transaction based

on the metric for the value of additional information provided by the follow-up question set and based on the likelihood that a user will terminate the transaction if the user is presented with the follow-up question set, and (b) for selecting the follow-up question set with the highest probability of non-attrited fulfillment of the transaction (see pages 839-840 of Jobber et al.).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the features of Jobber et al. within Basch and French. The motivation for doing so would have been to tailor the design of the questions in order to minimize non-response (page 839 of Jobber et al).

Response to Arguments

7.   Applicant's arguments with respect to claims 19 and 36 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lena Najarian whose telephone number is 571-272-7072. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ln
7-19-06

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